

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
CRLP NO: 6176 OF 2026

Between

Vamsi Krishna (Agent of M/s. SSL Infra Developers) son of Srinivas Rao,,

.....PETITIONER/Accused No.2

AND

1. The State of Telangana, Represented by the Public Prosecutor High Court for the State of Telangana at Hyderabad Through P.S. Panjagutta, Hyderabad.
2. Bairoju Kishore Chary, son of Dayananda Chary, Occupation. Journalist, R/o. Flat No. 30, Plot No. 8, Jagadgirigutta, Quthbullapur, MadchalMalkajgiri District.

Respondents/Complainants

WHEREAS the Petitioner above named through his Advocate Sri. P ANIL BABU presented this Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the CRIMINAL PETITION, the High Court may be pleased to Quash FIR No. 57 of 2026 registered under Sections 406, 420 r/w 34 IPC dated 27.01.2026 Panjagutta Police Station.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri. P ANIL BABU Advocate for the Petitioner, and Additional Public Prosecutor, for the Respondent No.1 directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Bairoju Kishore Chary, son of Dayananda Chary, Occupation. Journalist, R/o. Flat No. 30, Plot No. 8, Jagadgirigutta, Quthbullapur, MadchalMalkajgiri District.

are directed to show cause on or before 22.06.2026 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the CRIMINAL PETITION, the High Court may be pleased to grant stay of all further proceedings in pursuance of FIR No. 57 of 2026 registered under Sections 406, 420 r/w 34 IPC dated 27.01.2026 Panjagutta Police Station, including not to arrest of the petitioner, pending disposal of the above Criminal Petition in the interest of justice.

The Court made the following:

ORDER

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by way of Speed Post with Acknowledgment Due and file proof of service.

Mr. P.Anil Babu, learned counsel for the petitioner, submits that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime. He further submits that the nature of allegations are purely civil in nature. Even according to the allegations made in the complaint, the ingredients of Sections 406, 420 read with 34 of the Indian Penal Code, 1860 (for short, 'IPC) are not attracted against the petitioner and it is punishable with imprisonment of less than seven years. He further submits that the offence under Sections 406 and 420 of IPC cannot coexist, in view of the principle laid down by the Hon'ble Apex Court in *Delhi Race Club (1940) Ltd. & Ors. v. State of Uttar Pradesh & Anr*¹. He further submitted that the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and without following the guidelines formulated by the Hon'ble Supreme Court in *Arnesh*

¹ (2024) 10 SCC 690

*Kumar Vs. State of Bihar*², is proceeding further in the matter and the same is contrary to law.

Taking into consideration the above submissions, this Court is of the *prima facie* view that there is force in the submissions made by the learned counsel for the petitioner. However, this Court would not be justified in granting a stay of further investigation pending the proceedings under Section 528 of the BNSS.

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS, insofar as petitioner/accused No.2 is concerned.

Post on 22.06.2026.

Sd/- S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XIV Addl Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Panjagutta Police Station, Hyderabad.
3. Bairoju Kishore Chary, son of Dayananda Chary, Occupation. Journalist, R/o. Flat No. 30, Plot No. 8, Jagadgirigutta, Quthbullapur, MadchalMalkajgiri District.[by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to Sri. P ANIL BABU Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

HIGH COURT

JSR, J

DATED: 22-04-2026

NOTICE BEFORE ADMISSION

POST ON 22.06.2026



CRLP.No.6176 of 2026

DIRECTION